

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

Plaintiff,	:	
v.	:	Criminal Action No. 06-31-JJF
SALVADOR MARTINEZ-TORRES,	:	
Defendant.	:	

MOTION TO EXTEND THE TIME FOR THE FILING OF PRE-TRIAL MOTIONS

Defendant Salvador Martinez-Torres, by and through his undersigned counsel, Christopher S. Koyste, hereby moves the Court to issue an order that extends the deadline for the filing of pre-trial motions to November 6, 2006. Counsel submits the following in support thereof:

1. Mr. Martinez was arrested by agents of the Drug Enforcement Agency on March 24, 2006.

He was indicted on March 28, 2006 and charged with conspiracy to distribute 5 kilograms or more of cocaine between the dates of March 1, 2006 and March 24, 2006. His two co-defendants, Francisco-Barrera-Lopez and Jose Luis Becerra-Yepez, were also charged with conspiracy and an additional count of possession with intent to distribute 5 kilograms or more of cocaine.

2. AFD Christopher Koyste entered his appearance on June 27, 2006 and has been in negotiations with the government. The Discovery process has been complex, in that it includes numerous audio tapes that are in the Spanish language and only a very limited amount of the material has been translated and transcribed by the government. In the interest of justice, the Defense requests additional time to review discovery and to negotiate with the government.

3. This Court held a conference on August 15, 2006 and ordered counsel to provide a status update to the Court by October 6, 2006. This motion constitutes Mr. Martinez-Torres' status update.

4. The government issued Mr. Martinez-Torres a plea offer on October 2, 2006. The delay was due to the government's position that it wanted to first determine whether Mr. Barrerra-Lopez would agree to a plea offer. Thus, since the plea offer has only recently been issued, the granting of additional time will allow Mr. Martinez-Torres to properly consider the plea offer in relation to the Defense's other options. Therefore, the granting of this motion advances the interests of justice since it gives Mr. Martinez-Torres a reasonable amount of time to consider his options.

5. AUSA Edmond Falgowski does not oppose the Defense's request.

WHEREFORE, Mr. Martinez-Torres respectfully requests the Court to issue an order that extends the time period for the filing of pre-trial motions to November 6, 2006.

/s/

CHRISTOPHER S. KOYSTE, ESQUIRE
Assistant Federal Public Defender
704 King Street, Suite 110
Wilmington, Delaware 19801
Attorney for Salvador Martinez-Torres

Dated: October 6, 2006

CERTIFICATE OF SERVICE

Undersigned counsel certifies that this Motion to Extend the Time for the Filing of Pre-Trial Motions is available for public viewing and downloading and was electronically delivered on October 6, 2006 to:

Edmond Falgowski, Esq.
Assistant United States Attorney
1007 Orange Street, Suite 700
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This motion was also sent via first class U.S. Mail to:

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/s/

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:

ORDER

Having considered Defendant's Motion to Extend the Time for the Filing of Pre-Trial Motions,

IT IS HEREBY ORDERED this _____ day of October, 2006, that Defendant Martinez-Torres' Motion is **GRANTED** and the time period for the filing of pre-trial motions is extended to November 6, 2006.

The Honorable Joseph J. Farnan, Jr.
U.S. District Court

cc: AUSA Edmond Falgowski
AFPD Christopher Koyste